

ESTTA Tracking number: **ESTTA290032**

Filing date: **06/16/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Association of Reverse Mortgage Specialists, Inc.		
Entity	Corporation	Citizenship	Florida
Address	660 NW 116th Street Miami, FL 33168 UNITED STATES		

Attorney information	Craig Kirsch, Esq. Alcoba & Associates, P.A. 3399 NW 72 Avenue, Suite 211 Miami, FL 33122 UNITED STATES craig@miamipatents.com Phone:305-362-8118
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Registration Subject to Cancellation

Registration No	3082393	Registration date	04/18/2006
Registrant	Residential Mortgage Services, Inc. Suite 400 1661 International Place Drive Memphis, TN 38120 UNITED STATES		

Goods/Services Subject to Cancellation

Class 036. First Use: 2003/05/01 First Use In Commerce: 2003/05/01 All goods and services in the class are cancelled, namely: financial services, namely mortgage lending and mortgage banking

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition to Cancel with declaration.pdf (3 pages)(45502 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Craig Kirsch, Esq./
Name	Craig Kirsch, Esq.
Date	06/16/2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark Registration No. **3082393**

For the mark: **RMS (plus design)**

Date registered April 18, 2006

Association of Reverse Mortgage)
Specialists, Inc.)
)
v.)
)
Residential Mortgage Specialists, Inc.)
_____	/

PETITION TO CANCEL

Petitioner, Association of Reverse Mortgage Specialists, Inc., is a Florida corporation with its principal place of business located at 660 NW 116th Street, Miami, Florida 33168 and to the best of petitioner's knowledge, the name and address of the current owner or registered agent thereof of the registration are Residential Mortgage Specialists, Inc., 7615 Comstock Cove, Memphis, Tennessee 38125.

The above-identified petitioner believes that it will be damaged by the above-identified registration, and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

1. Petitioner is the owner of the pending trademark application "RMS Association of Reverse Mortgage Specialists, Inc. (plus design)" (hereinafter "Petitioner's Mark") with the serial number 77255705 for training services in the field of mortgage lending in International Class 41 and Petitioner has been using Petitioner's Mark continuously since at least as early as 03/31/2006.

2. Registrant is the owner the registered trademark “RMS (plus design)” (hereinafter “Registrant’s Mark”) with the registration number 3082393 for financial services, namely mortgage lending and mortgage banking.
3. Registrant’s mark is preventing Petitioner’s Mark from being registered thereby damaging Petitioner.
4. Based on information and belief Registrant has abandoned Registrant’s Mark and is no longer conducting business under Registrant’s Mark; see attached Declaration attached hereto and incorporated by reference as Petitioner’s Exhibit “A”.

WHEREFORE, Petitioner prays that Registration No. 3082393 be cancelled and that this Petition to Cancel be sustained in favor of Petitioner.

Petitioner hereby appoints Ruben Alcoba, Esq. and Craig Kirsch, Esq., both members of the bar of the State of Florida, to act as attorney for Petitioner herein, with full power to prosecute said Petition, to transact all relevant business with the Patent and Trademark Office and in the United States Courts and to receive all official communications in connection with this Petition to Cancel.

Respectfully Submitted:

Association of Reverse Mortgage Specialists, Inc.

By: /Nelson Locke/
Nelson Locke
President

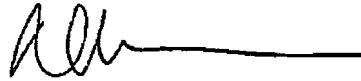
June 16, 2009

DECLARATION

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the Cancellation Proceeding or any resulting registration declares that the following statements regarding Residential Mortgage Services and its use of the "RMS" mark (collectively "RMS") made of his own knowledge are true; and that all statements made on information and belief are believed to be true.

- 1) Diligent research has been conducted regarding RMS and its operations.
- 2) Based on information and belief RMS is no longer conducting business under the RMS trademark and has abandoned use thereof.

Dated this the 16 day of June 2009.

A handwritten signature in black ink, appearing to read 'N. Locke', followed by a horizontal line.

Nelson Locke, President of Association of
Reverse Mortgage Specialists
Declarant